



November 20, 2019

BY ECF

The Honorable Katherine Polk Failla
United States District Judge
United States District Court, S.D.N.Y.
40 Foley Square, Room 2103
New York, NY 10007

MEMO ENDORSED

Re: *Leibowitz et al. v. iFinex Inc., et al.*, Case No. 19-CV-09236-KPF.

Dear Judge Failla:

We represent Plaintiffs in the above-referenced action and write in response to Defendants' pre-motion letter dated November 15, 2019 (ECF No. 28). Plaintiffs were unable take a position on Defendants' pre-motion letter because, during the pre-letter conference, counsel for Defendants would not disclose the anticipated grounds for their motion.

Now that Plaintiffs have reviewed Defendants' filing, they do not oppose allowing Defendants to file a motion to dismiss – as is their right under the Federal Rules – nor do they oppose a pre-motion conference to set a briefing schedule. Plaintiffs will oppose the anticipated motion to dismiss.

Respectfully,

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/s/ Kyle W. Roche

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cc: Counsel of Record (by ECF)

On November 15, Defendants Tether Holdings Limited, Tether Operations Limited, Tether International Limited, iFinex Inc., BFXNA Inc., BFXWW Inc., and DigFinex Inc. (together, "Corporate Defendants") filed a letter requesting leave to file a motion to dismiss. (Dkt. #28). Plaintiffs have replied to that letter indicating that they do not oppose the filing of a motion to dismiss. (Dkt. #35). Plaintiffs are directed to notify the Court on or before December 2, 2019: (i) whether they wish to amend their complaint in light of Defendants' pre-motion letter; and (ii) what steps they contemplate taking regarding the individual defendants that have not yet appeared in this action.

Dated: November 20, 2019
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE